

Staff Summary Report



Hearing Officer Hearing Date: August 7, 2007

Agenda Item Number: 11

SUBJECT: This is a public hearing for a request by **SNEAKERS SPORTS GRILL (PL070302)** located at 1470 East Southern Avenue in the PCC-2, Planned Commercial Center General District for one (1) use permit.

DOCUMENT NAME: 20070807dssd06

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **TEMPE CITY CENTER - SNEAKERS SPORTS GRILL (PL070302)** (Keith Quilty, applicant; Hearn Company, property owner) located at 1470 East Southern Avenue in the PCC-2, Planned Commercial Center General District for:

ZUP07094 Use permit to allow live entertainment (live acoustical guitar and karaoke).

PREPARED BY: Shawn Daffara, Planner II (480-858-2284)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

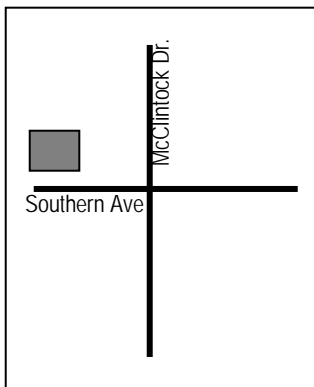
A handwritten signature in black ink, appearing to read 'SEA', located to the right of the 'REVIEWED BY' line.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-8

ADDITIONAL INFO: Sneakers Sports Grill is requesting a use permit to allow live entertainment (acoustical guitar and karaoke) at a restaurant/bar located at 1470 East Southern Ave in the PCC-2, Planned Commercial Center Comprehensive District. To date, staff has received no public input on this request. In that this existing use is not out of character with the area's existing retail and commercial businesses. Staff recommends approval of the use permit request with attached conditions.



PAGES:

1. List of Attachments
2. Comments; Reason for Approval;
3. Conditions of Approval; History & Facts/Description
4. Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site Plan
5. Floor Plan
- 6-7. Staff Photograph(s)

COMMENTS:

Sneakers Sports Grill is requesting a use permit to allow live entertainment at restaurant/bar located at 1470 East Southern Ave in the PCC-2, Planned Commercial Center Comprehensive District. The live entertainment will consist of live acoustic guitar a few nights a week with the potential for karaoke to be featured in the future. The applicant indicated he will not feature live rock and roll bands at this property because he wants entertainment that will complement the surrounding center and neighborhood that will not cause noise ordinance violations.

To date, staff has received no public input on this request.

Use Permit

The Zoning and Development Code requires live entertainment to obtain a use permit in the PCC-2, Planned Commercial Center Comprehensive District. This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - This use is similar to others in the area; sound from music will have to conform to the noise ordinance.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The proposed requested use would not contribute to neighborhood deterioration or downgrade property values.
- d. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding structures and uses.

Conclusion

Staff recommends approval of the use permit, subject to the conditions of approval

REASON(S) FOR APPROVAL:

1. The business is a general commercial use (restaurant/bar), and is compatible with the other businesses on the property and within the area.
2. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
3. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:**

1. This use permit is valid for "Sneakers Sports Grill "and is non-transferable. Should the business be sold, the new owners must contact the Board of Adjustment/Hearing Officer staff and apply for a new use permit.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
3. The live entertainment shall be indoors only, no live entertainment will be allowed on the exterior patio.
4. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.
5. Any expansion or intensification of the use will require review of the use permit.
6. The use permit is valid for the plans as submitted within this application.
7. The restaurant Sneakers Sports Grill will adhere to the City of Tempe Noise Ordinance

HISTORY & FACTS:

January 2, 1991	<u>BA900237</u> : Use Permit approved for Acapulco Beach Club, including an outdoor patio.
February 20, 1997	<u>BA970014</u> : Use Permit approved for Streets of New York –Microbrewery
December 4, 1997	<u>BA970324</u> : Use Permit approved for UpTown Brewery/Streets of New York to allow Live Entertainment.
July 5, 2007	<u>CM070967</u> : Complaint about Restaurant having Live Entertainment without a Use Permit.
July 17, 2007	<u>CM070997</u> : Complaint about loud music at night.

DESCRIPTION:

Owner – Hearn Company
Applicant – Keith Quilty
Existing Zoning – PCC-2, Planned Commercial Center General District
Parcel Size– 584,041 s.f. / 13.4 acres
Building Area – 7,400 s.f.

**ZONING AND
DEVELOPMENT**

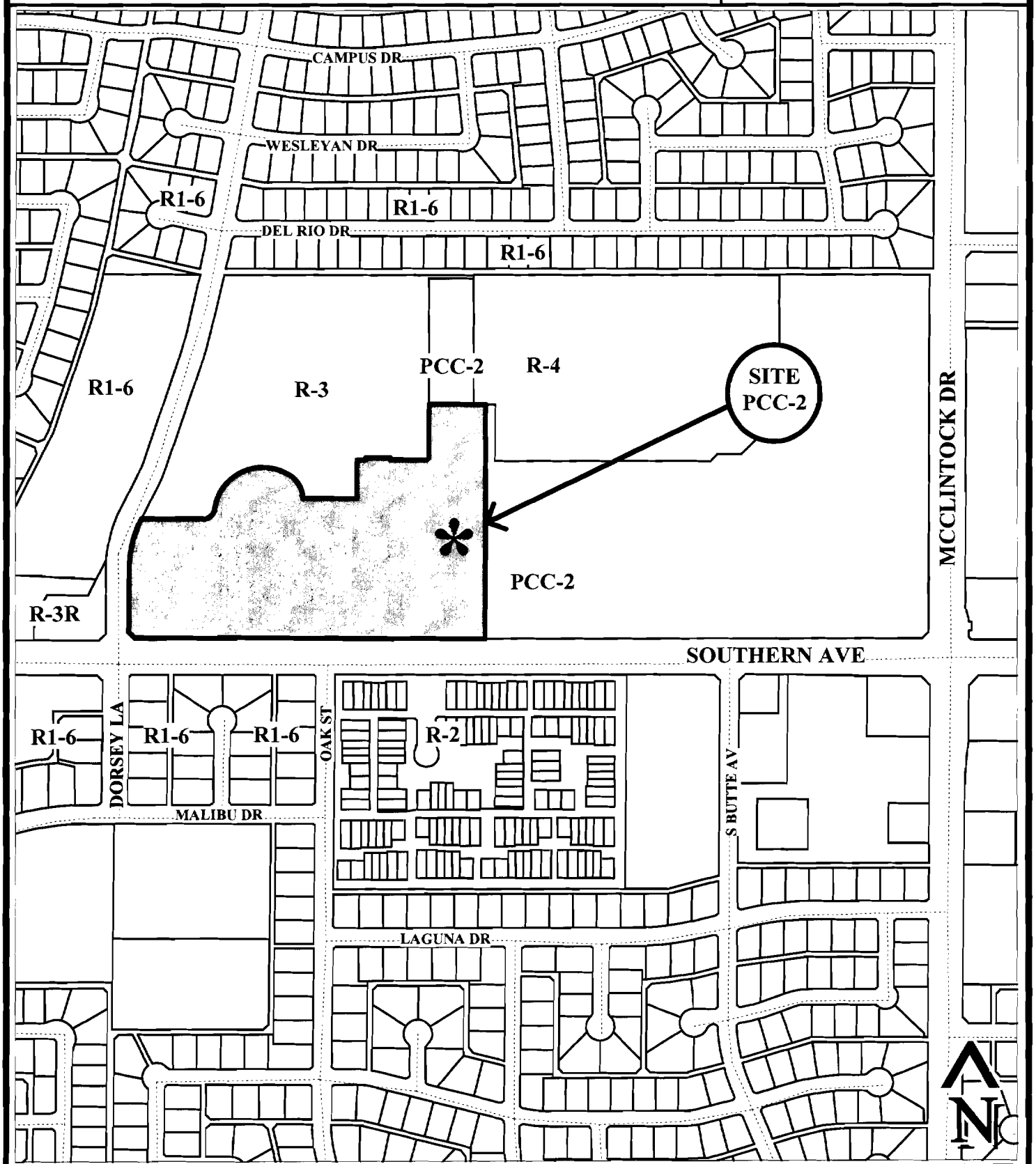
CODE REFERENCE:

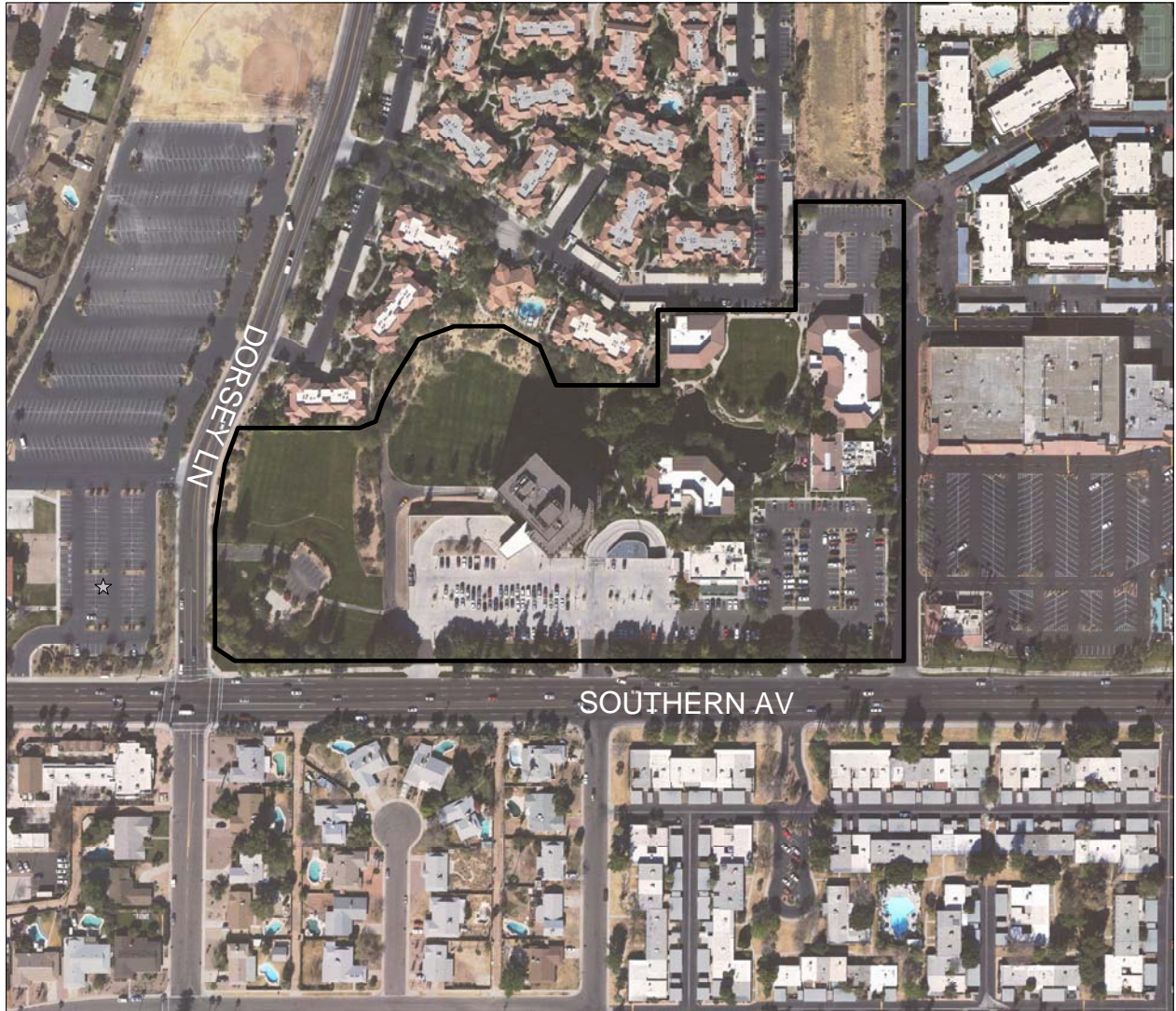
Part 3, Chapter 2, Section 3-202, Table 3-202A – Permitted Land Uses in PCC-2, Planned Commercial Center Comprehensive District.

Part 6, Chapter 3, Section 6-308 – Use Permit

**TEMPE CITY CENTER -
SNEAKERS SPORTS GRILL**

PL070302





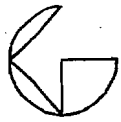
TEMPE CITY CENTER - SNEAKERS SPORTS GRILL (PL070302)

Letter of Explanation

Sneakers Sports Grill
1470 E Southern
Tempe AZ 85282

Sneakers is a 7400 Sq ft Restaurant that is open from 11am to 2am seven days a week. Our kitchen is open till 1am. We have approx 35 employees. We opened on May 1st 2007 and the majority of our business comes from the day sales. In order to help promote the night sales we would like to have a live acoustic guitar player play on a couple nights of the week. This is not a request for a rock and roll ~~band~~ and ~~karaoke~~ ^{indoors} to play loud music. ~~The~~ Sneakers is located in the middle of a commercial center which should not cause any noise problems or be a nuisance to anyone in the area. We apologize for not applying for a permit in advance to having the music. & Sneakers did notice a significant increase in food sales during the times of the music being played.

EXISTING SITE PLAN TEMPE CITY CENTER



1400 EAST SOUTHERN AVENUE
TEMPE, ARIZONA

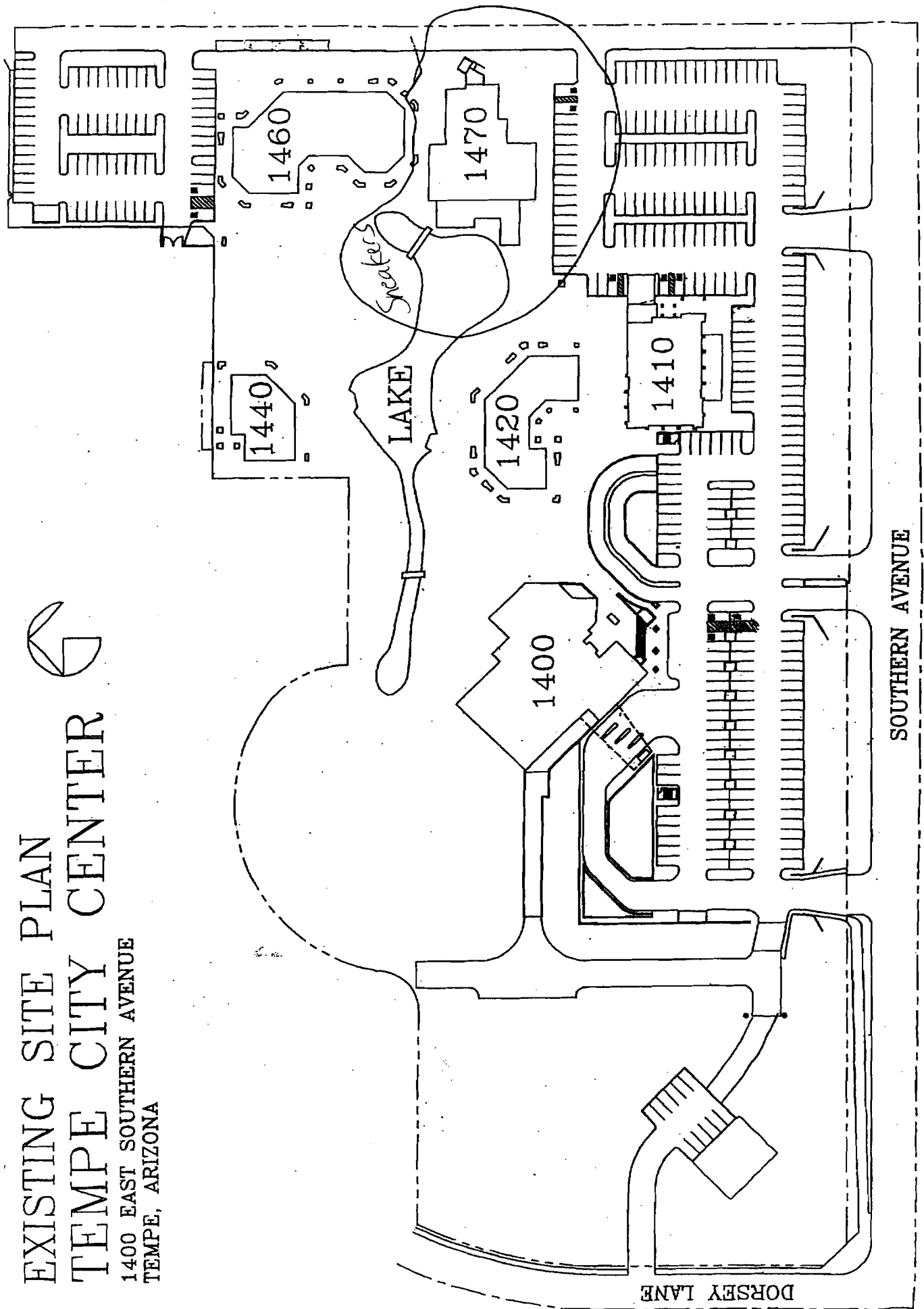
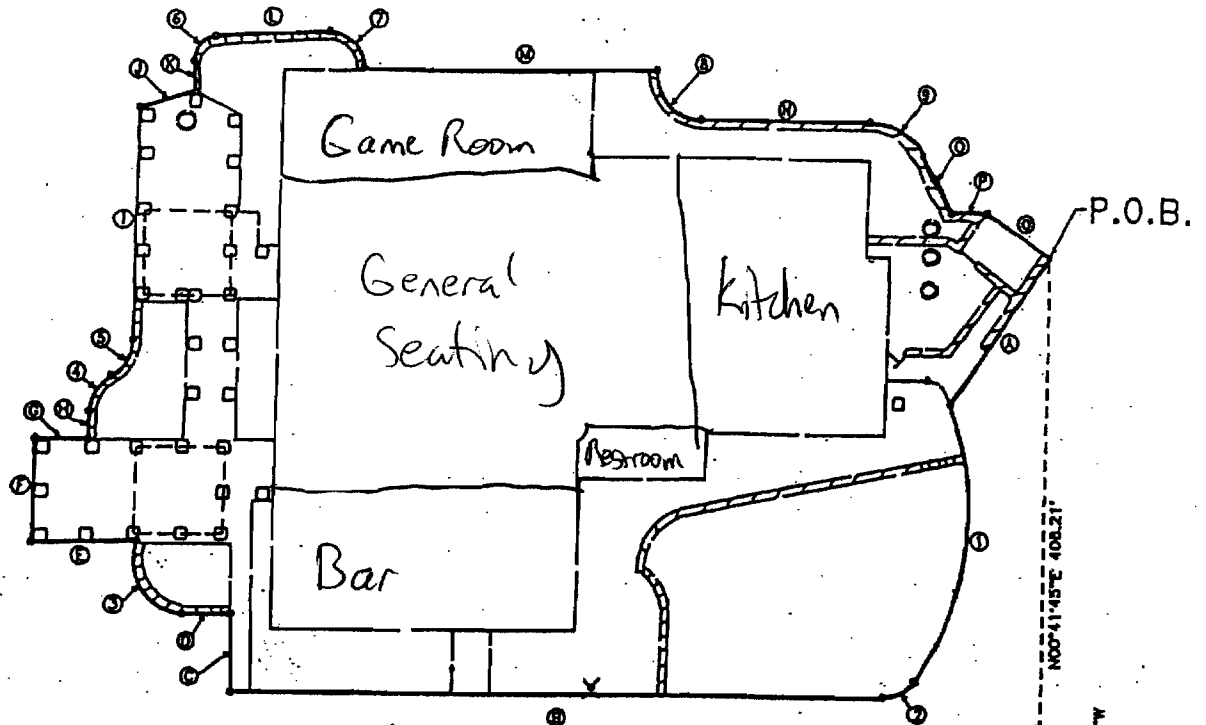


EXHIBIT "A"

PREMISES



COURSE	BEARING	DISTANCE
A	S34°43'57\"W	28.78'
B	N89°22'05\"W	111.38'
C	N00°01'16\"W	13.84'
D	N89°28'42\"W	8.39'
E	S89°21'20\"W	17.34'
F	N01°13'20\"E	17.44'
G	S89°35'51\"E	8.68'
H	N00°42'15\"E	4.64'
I	N01°15'50\"E	38.32'
J	N73°53'36\"E	9.39'
K	N02°28'45\"W	5.21'
L	N87°45'15\"E	19.52'
M	S89°14'48\"E	48.63'
N	S89°14'48\"E	28.04'
O	S27°22'19\"E	11.13'
P	S89°14'48\"E	6.91'
Q	S54°44'27\"E	13.44'

CURVE	RADIUS	LENGTH	DELTA
1	55.00'	48.77'	51°50'55\"
2	6.00'	6.05'	67°47'00\"
3	9.55'	18.74'	100°28'19\"
4	6.90'	7.32'	68°58'26\"
5	6.90'	7.18'	58°24'51\"
6	4.00'	6.30'	90°14'00\"
7	6.00'	9.42'	90°00'00\"
8	6.00'	12.57'	90°00'00\"
9	10.00'	10.80'	61°52'29\"

SE. CORNER OF
SECTION 26



SCALE 1\" = 30'

ADDRESS: 1470 E. SOUTHERN AVENUE,
TEMPE, ARIZONA



SNEAKERS SPORTS GRILL

1470 E. SOUTHERN AVE

PL070302

FRONT OF BUSINESS: VIEW TO NORTH



SNEAKERS SPORTS GRILL

1470 E. SOUTHERN AVE

PL070302

OUTDOOR PATIO: VIEW TO NORTHWEST